

Article - State Government

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§9.5–311.

(a) (1) In accordance with Title 10, Subtitle 1 of this article, the Commission shall adopt regulations to carry out §§ 9.5–309 and 9.5–310 of this subtitle.

(2) The regulations shall:

(i) create the application process;

(ii) set genealogical standards; and

(iii) specify the standards to be satisfied by an Indian community applying for formal recognition of Maryland Indian status.

(b) (1) The standards adopted under subsection (a) of this section shall be generally consistent with the standards of the United States Bureau of Indian Affairs for tribal recognition by the United States.

(2) The standards shall take into account the special circumstances of Indians indigenous to the State.

(3) The standards shall require:

(i) that the petitioning group be identified from historical times until the present as Indian;

(ii) that the members of the petitioning group be descendants from an Indian tribe that existed historically and is indigenous to the State or derived from historical tribes that were indigenous to the State before 1790;

(iii) that the members of the petitioning group be descendants of an Indian tribe that historically inhabited a specific area in the State before 1790; and

(iv) that the membership of the petitioning group be composed principally of individuals who are not members of any other Indian community.

(4) The Commission may adopt regulations to establish any other standards that the Commission considers necessary.

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